



PTO/SB/21 (08-00)

Please type a plus sign (+) inside this box → ☒

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

12

Application Number

09/530,795

Filing Date

5 May 2000

First Named Inventor

Brian C. KELLER

Group Art Unit

1761

Examiner Name

K. Hendricks

Attorney Docket No.

270142000300

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Assignment Papers
(for an Application)☐ After Allowance Communication to Group☐ Fee Attached☐ Drawing(s)☐ Appeal Communication to Board of Appeals and Interferences☐ Amendment / Reply☐ Licensing-related Papers☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ After Final☒ Petition☐ Proprietary Information☐ Affidavits/declarations☐ Petition to Convert to a Provisional Application☐ Status Letter☐ Extension of Time Request☐ Power of Attorney, Revocation
Change of Correspondence Address

Other Enclosure(s) (please identify below):

☒ Substitute Declaration
Statement by each of 2 inventors
Return-receipt postcard☐ Express Abandonment Request☐ Terminal Disclaimer☐ Information Disclosure Statement☐ Request for Refund☐ Certified Copy of Priority Document(s)☐ CD, Number of CD(s) _____☐ Response to Missing Parts/
Incomplete Application

Remarks

☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53

RECEIVED

FEB 04 2002

TC 1700

SIGNATURE OF APPLICANT, ATTORNEY OR AGENTFirm
or

Individual Name

Bruce D. Grant Reg. No. 47,608

Morrison & Foerster LLP

3811 Valley Centre Drive, Suite 500, San Diego, California 92130

Signature

Date

December 27, 2001

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Rebekah Werth

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

sd-72143

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FEE TRANSMITTAL FOR FY 2002



Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT

\$ 130.00

Complete if Known

Application Number 09/530,795

Filing Date 5 May 2000

First Named Inventor Brian C. KELLER

Examiner Name K. Hendricks

Group Art Unit 1761

Attorney Docket No. 270142000300

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TO

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952, referencing 270142000300

Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☐ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------|----------|
| 101 | 740 | 201 | 370 | Utility filing fee | |
| 106 | 330 | 206 | 165 | Design filing fee | |
| 107 | 510 | 207 | 255 | Plant filing fee | |
| 108 | 740 | 208 | 370 | Reissue filing fee | |
| 114 | 160 | 214 | 80 | Provisional filing fee | |

SUBTOTAL (1) (\$)

2. EXTRA CLAIM FEES

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 20** | x | | \$ |
| 3** | x | | \$ |

Multiple Dependent

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|-----------------------------------------------------------|----------|
| 103 | 18 | 203 | 9 | Claims in excess of 20 | |
| 102 | 84 | 202 | 42 | Independent claims in excess of 3 | |
| 104 | 280 | 204 | 140 | Multiple dependent claims, if not paid | |
| 109 | 84 | 209 | 42 | **Reissue independent claims over original patent | |
| 110 | 18 | 210 | 9 | **Reissue claims in excess of 20 and over original patent | |

SUBTOTAL (2) (\$)*

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Fee Code | Entity Fee (\$) | Small Fee Code | Entity Fee (\$) | Fee Description | Fee Paid |
|----------------|-----------------|----------------|-----------------|------------------------------------------------------------------------------|----------|
| 105 | 130 | 205 | 65 | Surcharge - late filing fee or oath | |
| 127 | 50 | 227 | 25 | Surcharge - late provisional filing fee or cover sheet | |
| 139 | 130 | 139 | 130 | Non-English specification | |
| 147 | 2,520 | 147 | 2,520 | For filing a request for ex parte reexamination | |
| 112 | 920* | 112 | 920* | Requesting publication of SIR prior to Examiner action | |
| 113 | 1,840* | 113 | 1,840* | Requesting publication of SIR after Examiner action | |
| 115 | 110 | 215 | 55 | Extension for reply within first month | |
| 116 | 400 | 216 | 200 | Extension for reply within second month | |
| 117 | 920 | 217 | 460 | Extension for reply within third month | |
| 118 | 1,440 | 218 | 720 | Extension for reply within fourth month | |
| 128 | 1,960 | 228 | 980 | Extension for reply within fifth month | |
| 119 | 320 | 219 | 160 | Notice of Appeal | |
| 120 | 320 | 220 | 160 | Filing a brief in support of an appeal | |
| 121 | 280 | 221 | 140 | Request for oral hearing | |
| 138 | 1,510 | 138 | 1,510 | Petition to institute a public use proceeding | |
| 140 | 110 | 240 | 55 | Petition to revive - unavoidable | |
| 141 | 1,280 | 241 | 640 | Petition to revive - unintentional | |
| 142 | 1,280 | 242 | 640 | Utility issue fee (or reissue) | |
| 143 | 460 | 243 | 230 | Design issue fee | |
| 144 | 620 | 244 | 310 | Plant issue fee | |
| 122 | 130 | 122 | 130 | Petitions of the Commissioner | 130 |
| 123 | 50 | 123 | 50 | Petitions related to provisional applications | |
| 126 | 180 | 126 | 180 | Submission of Information Disclosure Stmt | |
| 581 | 40 | 581 | 40 | Recording each patent assignment per properties (times number of properties) | |
| 146 | 740 | 246 | 370 | Filing a submission after final rejection (37 CFR § 1.129(a)) | |
| 149 | 740 | 249 | 370 | For each additional invention to be examined (37 CFR § 1.129(b)) | |
| 179 | 740 | 279 | 370 | Request for Continued Examination (RCE) | |
| 169 | 900 | 169 | 900 | Request for expedited examination of a design application | |

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 130.00)

SUBMITTED BY

Name (Print/Type) Bruce D. Grant

Registration No. (Attorney/Agent)

47,608

Complete (if applicable)

Telephone (858) 720-7962

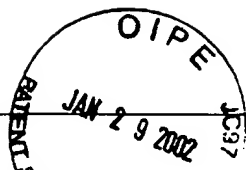
Signature

Date December 27, 2001

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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sd-72144



PATENT
Docket No. 270142000300

7
12-02
CW

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Rebekah Werth
Rebekah Werth

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: K. Hendricks

Group Art Unit: 1761

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TC 1700

PETITION TO CORRECT INVENTORSHIP
PURSUANT TO 37 C.F.R. § 1.48(a)

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The presently named applicant, Brian C. Keller, hereby petitions the Assistant Commissioner to enter the Amendment of the application submitted herewith to add the name of Arnold William Schwartz as joint inventor.

- ☒ At least one originally named inventor remains.
- ☒ In support of this Petition, copies of statements of Brian C. Keller and Arnold William Schwartz, together with an executed declaration under 37 C.F.R. § 1.63, are enclosed.
- ☒ The fee set forth in 37 C.F.R. § 1.17(h) of \$130.00
- ☐ is enclosed

☒ is authorized to be charged to Deposit Account 03-1952 referencing 270142000300.


The commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required under this transmittal, or to credit any overpayment to Deposit Account 03-1952, referencing 270142000300.

This request is supported by a statement of the original applicant, as required by 37 C.F.R. § 1.48, and by a Substitute Declaration, executed by Brian C. Keller and Arnold William Schwartz, as required by 37 C.F.R. § 1.63. The facts surrounding this change in inventorship are that Arnold William Schwartz was inadvertently not included as an inventor when the Declaration was filed. Brian C. Keller notified the undersigned representative of the inadvertent inventorship error after learning that Arnold William Schwartz was not included as a joint inventor and this amendment was promptly prepared. Thus, under the present circumstances it is clear that Brian C. Keller and Arnold William Schwartz are the true joint inventors in this case, and it is therefore incumbent upon the named inventor to add Arnold William Schwartz as co-inventor in this specific application. The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed statements of Brian C. Keller and Arnold William Schwartz, as well as the enclosed Substitute Declaration which has been executed by Brian C. Keller and Arnold William Schwartz.

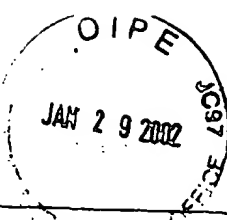
Respectfully submitted,

Dated: December 27, 2001

By:


Bruce Grant
Registration No. 47,608

Morrison & Foerster LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
Telephone: (858) 720-7962
Facsimile: (858) 720-5125



PATENT
Docket No. 270142000300

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"

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Assistant Commissioner for Patents, Washington, D.C. 20231, on December 27, 2001.

Rebekah Webb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Brian C. KELLER, et al.

Serial No.: 09/530,795

Filing Date: May 5, 2000

For: ENHANCED INFANT FORMULA
CONTAINING LIPOSOME
ENCAPSULATED NUTRIENTS AND
AGENTS

Examiner: Unassigned

Group Art Unit: 1761

COPY OF PAPERS
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FEB 04 2002
TC 1700

STATEMENT OF BRIAN C. KELLER

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, Brian C. Keller, state as follows:

1. I am a co-inventor of the invention claimed in the above described U.S. Patent Application.
2. Arnold William Schwartz was a co-inventor with respect to the claimed subject matter.
3. I agree to the change of inventorship proposed in the enclosed Petition to add the name of Arnold William Schwartz as a co-inventor.

Executed on 8 Aug 2001.

B. C. Keller
Brian C. Keller



PATENT
Docket No. 270142000300

SUBSTITUTE DECLARATION FOR UTILITY PATENT APPLICATION

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: ENHANCED INFANT FORMULA CONTAINING LIPOSOME ENCAPSULATED NUTRIENTS AND AGENTS, the specification of which is attached hereto unless the following box is checked:

☒ was filed on 5 May 2000 as United States Application Serial No. 09/530,795.

I HEREBY STATE THAT I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED TO ABOVE.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed:

| Application No. | Country | Date of Filing (day/month/year) | Priority Claimed? |
|-----------------|---------|------------------------------------|---------------------------------------------------------------------|
| PCT/US98/23532 | PCT | 5 November 1998 | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

I hereby claim benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

| Application Serial No. | Filing Date |
|------------------------|-------------|
| | |

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TC 1700

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

| Application Serial No. | Filing Date | Status |
|------------------------|-------------|-------------------------------------------------------------------------------------------------------|
| | | <input type="checkbox"/> Patented <input type="checkbox"/> Pending <input type="checkbox"/> Abandoned |

I hereby appoint the following attorneys and agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

| | |
|---------------------------------------|-----------------------------------------|
| Randolph Ted Apple (Reg No. 36,429) | Laurie A. Axford (Reg No. 35,053) |
| Sanjay S. Bagade (Reg No. 42,280) | Joseph Barrera (Reg No. 44,522) |
| Erwin J. Basinski (Reg No. 34,773) | Shantanu Basu (Reg No. 43,318) |
| Richard R. Batt (Reg No. 43,485) | Frank P. Becking (Reg No. 42,309) |
| Vincent J. Belusko (Reg No. 30,820) | Jonathan Bockman (Reg No. 45,640) |
| Kimberly A. Bolin (Reg No. 44,546) | Barry E. Bretschneider (Reg No. 28,055) |
| Tyler S. Brown (Reg No. 36,465) | Nicholas Buffinger (Reg No. 39,124) |
| A. Randall Camacho (Reg No. 46,595) | Mark R. Carter (Reg No. 39,131) |
| Robert K. Cerpa (Reg No. 39,933) | Peng Chen (Reg No. 43,543) |
| Alex Chartove (Reg No. 31,942) | Thomas Chuang (Reg No. 44,616) |
| Thomas E. Ciotti (Reg No. 21,013) | Cara M. Coburn (Reg No. 46,631) |
| Matthew M. D'Amore (Reg No. 42,457) | Raj S. Davé (Reg No. 42,465) |
| Peter Davis (Reg No. 36,119) | Stephen C. Durant (Reg No. 31,506) |
| Carolyn A. Favorito (Reg No. 39,183) | David L. Fehrman (Reg No. 28,600) |
| Hector Gallegos (Reg No. 40,614) | Thomas George (Reg No. 45,740) |
| Debra J. Glaister (Reg No. 33,888) | Kenneth R. Glick (Reg No. 28,612) |
| Johney U. Han (Reg No. 45,565) | Douglas G. Hodder (Reg No. 41,840) |
| Alan S. Hodes (Reg No. 38,185) | Charles D. Holland (Reg No. 35,196) |
| Peter Hsieh (Reg No. 44,780) | Wayne Jaeschke, Jr. (Reg No. 38,503) |
| Madeline I. Johnston (Reg No. 36,174) | Richard D. Jordan (Reg No. 33,519) |
| Parisa Jorjani (Reg No. 46,813) | Ararat Kapouytian (Reg No. 40,044) |
| Richard C. Kim (Reg No. 40,046) | Cameron A. King (Reg No. 41,897) |
| Kawai Lau (Reg No. 44,461) | Rimas T. Lukas (Reg No. 46,451) |
| Michael J. Mauriel (Reg No. 44,226) | Gladys H. Monroy (Reg No. 32,430) |
| Philip A. Morin (Reg No. P-45,926) | Kate H. Murashige (Reg No. 29,959) |
| Martin M. Noonan (Reg No. 44,264) | Catherine M. Polizzi (Reg No. 40,130) |
| Paul J. Riley (Reg No. 38,596) | Debra A. Shetka (Reg No. 33,309) |
| Terri Shieh-Newton (Reg No. 47,081) | Rebecca Shortle (Reg No. 47,083) |
| Kevin R. Spivak (Reg No. 43,148) | Stanley H. Thompson (Reg No. 45,160) |
| Michael R. Ward (Reg No. 38,651) | E. Thomas Wheelock (Reg No. 28,825) |
| Todd W. Wight (Reg No. 45,218) | Frank Wu (Reg No. 41,386) |
| David T. Yang (Reg No. 44,415) | Peter J. Yim (Reg No. 44,417) |
| George C. Yu (Reg No. 44,418) | Karen R. Zachow (Reg No. 46,332) |


and:


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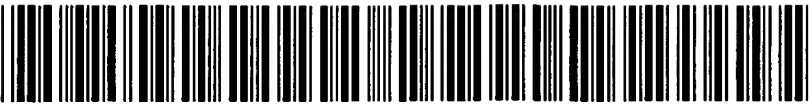
Bruce Grant
Morrison & Foerster LLP
3811 Valley Centre Drive, Suite 500
San Diego, CA 92130

Please direct all telephone calls to Bruce Grant at (858) 720-7962.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under § 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

8 Aug 2001
Date 
Name: Brian C. Keller
Residence: Antioch, California
Citizenship: USA
Post Office Address: 1111 James Donlon Blvd., Apt. 2034, Antioch, California 94509

8 Aug 2001
Date 
Name: Arnold William Schwartz
Residence: Rose, California
Citizenship: USA
Post Office Address: P.O. Box 1324, Rose, CA 94957



Creation date: 05-07-2004
Indexing Officer: DNGUYEN22 - DAWN NGUYEN
Team: OIPEBackFileIndexing
Dossier: 09530795

Legal Date: 02-12-2002

| No. | Doccode | Number of pages |
|-----|---------|-----------------|
| 1 | CTMS | 2 |

Total number of pages: 2

Remarks:

Order of re-scan issued on